



1592 U.S. PTO

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 728256-100281  
 First Named Inventor: Anthony Maglica  
 Prior Application Information:  
 Serial No. 10/446,584  
 Examiner: S. Husar  
 Art Unit: 2875

Mail Stop: Patent Application  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

## FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a

continuation       divisional       continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 10/446,584 filed on May 27, 2003, by

**Anthony Maglica**, entitled:

**FLASHLIGHT**

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**I. APPLICATION ELEMENTS ENCLOSED**

17 Page(s) of Written Description

1 Page(s) of Claims

1 Page(s) of Abstract

7 Sheet(s) of Drawings       formal       informal

2 Page(s) of  Declaration or  Declaration and Power of Attorney

Copy filed on 6/21/91 in prior application [37 CFR §1.63(d)]  
 Serial No. 07/719,156, filed 6/21/91.

Newly executed

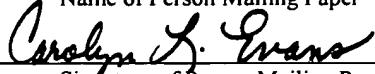
Other:

**CERTIFICATE OF MAILING (37 C.F.R. §1.10)**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

EV 301124821 US  
 Express Mail Label No.

April 20, 2004  
 Date of Deposit  
 LAI-2104038v1

Carolyn L. Evans  
 Name of Person Mailing Paper  
  
 Signature of Person Mailing Paper

- The prior application is assigned of record to Mag Instrument, Inc. A copy of the Assignment to Mag Instrument, Inc. filed on June 21, 1991, in prior parent application Serial No. 07/719,156 is enclosed.
- An Information Disclosure Statement, PTO 1449,  with copies of cited items.
- Request for Certification Under 35 U.S.C. 122(b)(2)(B)(i), Applicant must attach form PTO/SB/35.

## II. AMENDMENTS

- Cancel in this application original Claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

## III. FEE CALCULATION

- Applicant claims small entity status under 37 CFR 1.27.

<b>BASIC FILING FEE:</b>						\$770.00
Total Claims	6	-	20	=	0	x \$18.00
Independent Claims	1	-	3	=	0	x \$86.00
Multiple Dependent Claims	\$290	(if applicable)				\$0.00
<b>TOTAL OF ABOVE CALCULATIONS</b>						\$770.00
Reduction by ½ for Filing by Small Entity.						\$0.00
Misc. Filing Fees (Recordation of Assignment)						\$0.00
<b>TOTAL FILING FEES DUE HEREWITH</b>						\$770.00

## IV. PRIORITY - 35 USC § 119

- Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 USC § 119.
- The certified copy has been filed in prior U.S. application Serial No. \_\_\_\_\_ on \_\_\_\_\_.
- The certified copy will follow.

## V. RELATE BACK - 35 USC § 120

- This application is a continuation of Application No. 10/446,584, now pending and filed May 27, 2003, which in turn is a continuation of Application Serial No. 10/107,753, filed on March 26, 2002, issuing on June 10, 2003, as U.S. Patent No.

6,575,592, which in turn is a continuation of U.S. Patent Application Serial No. 09/694,603, filed October 23, 2000, issuing on March 26, 2002 as U.S. Patent No. 6,361,183, which in turn is a continuation of U.S. Patent Application Serial No. 09/034,659, filed March 3, 1998, issuing on October 24, 2000 as U.S. Patent No. 6,135,611, which in turn is a continuation of U.S. Patent Application Serial No. 08/586,581, filed January 16, 1996, issuing on March 3, 1998 as U.S. Patent No. 5,722,765, which is a divisional of Serial No. 08/308,356, filed September 19, 1994, issuing on January 16, 1996 as U.S. Patent No. 5,485,360; which in turn is a continuation of U.S. Patent Application Serial No. 08/049,525, filed April 20, 1993, issuing on September 20, 1994 as U.S. Patent No. 5,349,506, which is in turn a divisional of Serial No. 07/866,422, filed April 10, 1992, issuing on May 4, 1993 as U.S. Patent No. 5,207,502, which is in turn a continuation of Serial No. 07/719,156, filed June 21, 1991, issuing on May 12, 1992 as U.S. Patent No. 5,113,326.

- Appropriate relation back information is included in the preliminary amendment or specification.
- With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are):
  - the same.
  - less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]: [Name(s) of inventor(s) to be deleted]

#### **VI. FEE PAYMENT BEING MADE AT THIS TIME**

- Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]
- Attached.
  - Filing fees. \$770.00
  - Recording assignment. [\$40.00 37 CFR § 1.21(h)(1)]  
Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached. [\$130.00; 37 CFR §§ 1.47 and 1.17(h)]
  - Petition fee to Suspend Prosecution for the Time Necessary to File an Amendment (New Application Filed Concurrently.) [\$130.00; 37 CFR §§ 1.103 and 1.17(i)]
  - For processing an application with a specification in a non-English language. [\$130.00; 37 CFR §§ 1.52(d) and 1.17(k)]
  - Processing and retention fee. [\$130.00; 37 CFR §§ 1.53(f) and 1.21(l)]

**Total Fees Enclosed** \$770.00

**VII. METHOD OF PAYMENT OF FEES**

- Attached is a check in the amount of \$770.00.
- Charge Jones Day's Deposit Account No. **50-2468** in the amount of \_\_\_\_\_.

**VIII. AUTHORIZATION TO CHARGE ADDITIONAL FEES**

The Commissioner is hereby authorized to credit Jones Day's Deposit Account No. **50-2468** for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. **50-2468**:

- 37 CFR § 1.16(a) (filing fees)
- 37 CFR § 1.16(b) (presentation of extra claims)
- 37 CFR § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- 37 CFR § 1.17 (application processing fees)
- 37 CFR § 1.21 (Assignment recordation fees)
- 37 CFR § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR § 1.311(b))

**IX. POWER OF ATTORNEY AND CORRESPONDENCE ADDRESS**

- The power appears in the original papers in the prior application.
- The power does not appear in the original papers, but was filed on July 14, 2003 in prior application Serial No. 10/446,584 (copy enclosed).
- A new power of attorney is enclosed.
- A copy of an associate power executed and filed on \_\_\_\_\_ in prior application Serial No. \_\_\_\_\_, is attached.

Please send all correspondence to Customer Number 34026.

JONES DAY  
555 W. Fifth Street, Suite 4600  
Los Angeles, CA 90013-1025  
(213)489-3939

Please direct all inquiries to David A. Randall, at (213) 489-3939.

**X. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION**

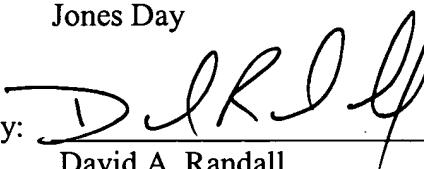
- A petition, fee and response has been filed to extend the term in the pending prior application until \_\_\_\_\_. A copy of the petition for extension of time in the prior application is attached.
- A conditional petition for extension of time is being filed in the pending prior application. A copy of the conditional petition for extension of time in the prior application is attached.

**XI. ABANDONMENT OF PRIOR APPLICATION**

- Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item IX above.

Respectfully submitted,

Jones Day

By:   
\_\_\_\_\_  
David A. Randall  
Reg. No. 37,217

Dated: April 20, 2004

Jones Day  
555 West Fifth Street, 46<sup>th</sup> Floor  
Los Angeles, CA 90013  
Telephone: (213) 489-3939  
Facsimile: (213) 243-2539

Enclosures

Mag Instrument, Inc.  
Name of Assignee

1635 South Sacramento Avenue, Ontario, CA 91761  
Address of Assignee

Anthony Maglica, President  
Title of person authorized to sign on behalf of assignee:

Assignment recorded in PTO on June 21, 1991, Reel 5780, Frame 0001-0002.